Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at http://about.jstor.org/participate-jstor/individuals/early-journal-content.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

tomobile when the driver is blinded by the glare of the headlight of a street car. *Jaquith* v. *Worden* (Wash.), 132 Pac. 33. Greater care is required of the driver of an automobile at the intersection of streets than ordinarily, and especially so if traffic obstructs the vision. *Gregory* v. *Slaughter*, 124 Ky. 345, 99 S. W. 247, 124 Am. St. Rep. 402, 8 L. R. A. (N. S.) 1228. It has been held negligence as a matter of law, to run past a street car at the rate of six or seven miles an hour when the automobilist knows the car is taking on or discharging passengers. *Brewster* v. *Barker*, 129 App. Div. 724, 113 N. Y. Supp. 1026.

An automobile driver is bound to exercise greater care while traveling on the left side of the street, to avoid injuring pedestrians, than is required if he had been on the proper side. *New York Transp. Co.* v. *Garside* (C. C. A.), 157 Fed. 521. A driver, to be exercising ordinary care, need not anticipate that another automobile will violate the law of the road by driving on the wrong side of the street. *Trout Auto Livery Co.* v. *People's Gas Light & Coke Co.*, 168 Ill. App. 56. And a driver on the right side of the road, may assume that a person approaching him on the same side will, if there be room, cross over to the right side before passing, and need not bring his car to a standstill. *Clark* v. *Woop*, 159 App. Div. 437, 144 N. Y. Supp. 595.

The greatest care must be used when approaching children, and to run an automobile through a crowd of children at five or six miles per hour is gross negligence. *Haake* v. *Davis* (Mo.), 148 S. W. 450. It is to be noted also, that those employed on the highways and streets are not called upon to exercise the same diligence in avoiding collisions as pedestrians. *Graves* v. *Portland Ry. Light & Power Co.* (Ore.), 134 Pac. 1. It follows then, that an automobile driver must exercise greater care in such a case. *Burger* v. *Taxicab Motor Co.*, 66 Wash. 676, 120 Pac. 519.

An automobile driver, when ordinary precaution requires it, must stop his machine when he sees that horses are becoming frightened. Sounding the horn and slowing up without more, is not sufficient if ordinary care requires more, and the automobilist is not relieved from duty to stop because the driver of the horse gives no signal to stop. *Nelson* v. *Halland* (Minn.), 149 N. W. 194; *Strand* v. *Grinnell Auto Gar. Co.*, 136 Iowa 68, 113 N. W. 488. See *Messer* v. *Brueing*, 25 N. D. 599, 142 N. W. 158, 48 L. R. A. (N. S.) 945.

It would seem, on the question raised in the principal case, in view of the strict accountability to which automobile drivers are held, that they may not assume that a pedestrian will keep on his way, but must keep their machines under such control that if the pedestrian should, at the last moment, step out in front of the machine, they could stop in time to avoid injury.

BANKRUPTCY—PETITION—PROCEEDINGS AGAINST PARTNERSHIP.—A partnership was adjudged bankrupt. Later, without the filing of another petition, the court tried the question of membership in the firm of an alleged secret partner, who was not joined in the original petition, and attempted to administer his estate in the proceedings, without finding

him insolvent or declaring him bankrupt. *Held*, the court has no jurisdiction to administer the estate of the alleged secret partner. *Re Samuels, Appeal of Valentine* (C. C. A.), 215 Fed. 845. See NOTES, p. 295.

CARRIERS—DUTY TO PASSENGERS—DUTY WHERE CARRIAGE IS ILLEGAL—PERSONS RIDING ON TRAINS NOT INTENDED FOR PASSENGERS.—The deceased was killed while traveling on a logging train, in unconscious, though actual, violation of the law, but with the knowledge and consent of the conductor. By a rule of the company, all persons riding on such trains were required to release the carrier from liability for injuries from any cause received while so traveling. But the deceased had no ticket and had signed no release. His death was caused by the improper loading of one of the lumber cars. *Held*, the railroad is not liable for his death. *Van Auken* v. *Michigan Cent. R. Co.* (Mich.), 148 N. W. 819.

The decision, by a divided court, is based on the ground that the deceased was not a passenger, because he had paid no fare. The overwhelming weight of authority holds that under such circumstances, even though the carrying was penalized by law, both as to carrier and passenger, these facts do not make the person so carried a trespasser or a licensee, or in any way lessen the high degree of care owed him by the carrier. *So. Pac. R. Co.* v. *Schuyler*, 227 U. S. 601, 43 L. R. A. (N. S.) 901; *Gabbert* v. *Hackett*, 135 Wis. 86, 115 N. W. 345, 14 L. R. A. (N. S.) 1070; *McNeill* v. *Durham, etc., R. Co.*, 135 N. C. 682, 47 S. E. 765, 67 L. R. A. 227.

The basis of this duty to carry safely is found in the public policy of the State; since all persons riding on trains with the carrier's consent are human beings, for whose safety it has assumed responsibility. *Railroad Co.* v. *Schuyler, supra.* Persons riding without that consent are mere licensees or trespassers, and such persons can only demand of right that they shall not be wilfully injured. *Dodge* v. *Chi., etc., R. Co.* (Iowa), 146 N. W. 14; *Evarts* v. *St. Paul M. & M. Ry. Co.*, 56 Minn. 141, 57 N. W. 459, 22 L. R. A. 663, 45 Am. St. Rep. 460.

The question as to what amounts to consent on the part of a carrier is confused. Persons riding on a train not intended, and not generally used, for the carriage of passengers, must, by the majority view, prove the power of the person accepting them as passengers to bind the carrier by such acceptance. *Vassor* v. *Atl. Coast L. R. Co.*, 142 N. C. 68, 54 S. E. 849, 7 L. R. A. (N. S.) 950; *St. Louis, etc., R. Co.* v. *Jones*, 96 Ark. 558, 132 S. W. 636, 37 L. R. A. (N. S.) 418. But if such trains, though not primarily intended for passengers are used by the company for the purpose, then the conductor has the same power to accept passengers which a conductor on a passenger train possesses. *Simmons* v. *Oregon R. & M. Co.*, 41 Ore. 151, 69 Pac. 1022; *Spence* v. *Chi. R. I. & P. Ry. Co.*, 117 Ia. 1, 90 N. W. 346.

A passenger on a mixed train assumes the risks reasonably incident to travel thereon, but the carrier assumes as to him the same high degree of care to protect him from injury as if he were on a passenger train, subject to the necessary difference in their operation. *St. Louis, etc., R. Co.* v. *Overton* (Ark.), 169 S. W. 364.